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PATENT

Docket No.: 801939/111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 12 2006

Applicant(s) : Langemyr

Serial No. : 09/995,222

Cnfrm. No. : 9649

Filed : November 27, 2001

For : A METHOD FOR ASSEMBLING THE FINITE
ELEMENT DISCRETIZATION OF ARBITRARY
WEAK EQUATIONS INVOLVING LOCAL OR
NON-LOCAL MULTIPHYSICS COUPLINGS

Examiner
Ayal I. Sharon
US PATENT & TRADEMARK
OFFICE

Art Unit:
2123

REQUEST FOR REFUND

Mail Stop Finance Section
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On October 7, 2005, a fee of \$1440.00 was paid to cover the fees for filing a Request for Continued Examination (\$790.00) and an Amendment with extra claims (\$650.00) for the above-identified application. This response was to a non-final office action which was mailed on July 27, 2005. The Request for Continued Examination was incorrectly included in the response. On January 5, 2006, a Notice of Improper Request for Continued Examination (RCE) was mailed. As the Request for Continued Examination was filed in error; therefore the above noted \$790.00 was paid in error.

Based on the foregoing, applicants respectfully request that a refund of \$790.00 be credited to Deposit Account No. 14-1138.

Respectfully submitted,

Date: January 17, 2006

Gunnar G. Leinberg
Gunnar G. Leinberg
Registration No. 35,584

NIXON PEABODY LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603
Telephone: (585) 263-1014
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CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

1/17/2006
Date

Janice Bowers
Janice Bowers

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,222	11/27/2001	Lars Langemyr	801939/111	9649

7590 01/05/2006
GUNNER G. LEINBERG, ESQ.
NIXON PEABODY LLP
CLINTON SQUARE
P.O. BOX 31051
ROCHESTER, NY 14603-1051

ENTERED
Nixon Peabody LLP

JAN 09 2006

FILE 801939/111
DKT mb

EXAMINER

SHARON, AYAL I

ART UNIT

PAPER NUMBER

2123

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 10/2/05 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
- ☒ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☐ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date on or after June 8, 1995 will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

A copy of this Notice MUST be returned with the reply.

Direct any questions concerning this notice to

2 Danyel Forte, Technology Center 2100

(571) 272-3580

571-272-3580



10-11-05

RCE
JAW

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).	Application Number	09/995,222
	Filing Date	November 27, 2001
	First Named Inventor	Lars Langemyr et al.
	Group Art Unit	2123
	Examiner Name	Ayal I. Sharon
	Attorney Docket Number	801939/111

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

a. ☐ Previously submitted

i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

iii. ☐ Other _____

b. ☐ Enclosed

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☒ Information Disclosure Statement (IDS)

iv. ☐ Submission of Formal Drawings

v. ☐ Petition for Three-month Extension of Time

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)

b. ☐ Other _____

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, additional fees which may be required, or credit any overpayments, to Deposit Account No. 14-1138

i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)

ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

iii. ☐ Other _____

b. ☒ Check in the amount of \$1,440 is enclosed (\$790 for RCE and \$650 for Extra Claims)

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Gunnar G. Leinberg	Registration No. (Attorney/Agent)	35,584
Signature		Date	October 7, 2005

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or being facsimile transmitted to the USPTO at _____, on _____.	
Signature:	
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10/12/2005 HNGUYEN1 00000018-09995222

01-FC:1801

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Adjustment date: 03/29/2006 EEKUBAY1
10/12/2005 HNGUYEN1 00000018-09995222

01 FC:1801

-790.00 OP

Repln. Ref: 03/29/2006 EEKUBAY1 0010590100
DNH:141138 Name/Number:09995222
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